

Remarks

Claims 1-2, 4-10, and 12-20 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,584,554 to Lowery et al. ("Lowery") in view of Microsoft® Frontpage™ 98, 1997 to Lemay ("Lemay").

Claims 3 and 11 have been previously canceled.

Claims 1-2, 4-10, and 12-20 remain pending.

Rejection of Claims 1-2, 4-10, and 12-20 under 35 U.S.C. §103(a)

With respect to independent claims 1, 9, and 16, the Office Action states that Lowery discloses all of Applicants' recited elements except a user requesting an existing web page and being able to customize the web page, which Lemay allegedly discloses.

Applicant's independent claim 1 recites a system for enabling a user to customize a Web page by using at least one computer on which a browser for browsing a Web page runs. The system includes a means for enabling a user to request an original Web page to be customized, and a means for embedding a customizing program in the requested original Web page, the customizing program to be executed by the user. The system further includes a means for the user to receive the requested original Web page in which the program for customizing a page is embedded, a Web browser means for displaying the received original Web page to the user, a means for having the program display to the user a control panel for a customizing operation, and a means for customizing the original Web page according to a customizing operation by the user using the control panel while the original Web page is retained for other users. The system still further includes a means for storing data pertaining to the customizing operation executed by

the user, wherein the Web page is dynamically restored with the customizing data when subsequently accessed by the user.

In contrast, Lowery teaches a system for creating and managing custom Web sites. Specifically, the system taught by Lowery is for managing dynamic Web page generation requests. Web page requests to a Web server are routed from the Web server to a page server. The page server receives the request and releases the Web server to process other requests. The page server processes the request concurrently with the Web server, as the Web server processes other requests. The page server dynamically generates a Web page in response to the request and dynamically retrieves data from one or more data sources (col. 2, lines 20-35).

The system and method disclosed in Lowery is from the perspective of the administrator at the server end. Unlike Applicants' invention, Lowery has nothing to do with enabling a particular user to request an original Web page, initiate a remote customization session on a client thereby allowing the particular user to customize the original Web page to his/her particular taste, and save the customized Web page for later viewing (by that particular user) while leaving the original Web page available to be viewed and potentially customized by other particular users.

Further, the Examiner is still confusing the embedding that is done on the server side when a Web page is dynamically generated, and the embedding of the customizer recited in Applicants' invention that is used by a particular user to customize a Web page to his/her particular taste. When a Web page is dynamically generated, the information displayed on the Web page is embedded in the HTML file. In contrast, the customizer recited in Applicants' invention is a program that is embedded in the Web page requested by the user, and is selectively

executable by the user to provide the user with a means to customize the Web page (see page 4, lines 17-30).

Further still, the Examiner is still confusing the control console used with typical Web development tools with the control console recited in Applicants' invention that is provided for, and used by, the particular user on a client computer to customize a Web page. The control console used with typical Web development tools is used only by the Web page designer and is not available to the user (viewer) of the Web page. Further, the Web page development tool console is part of an entirely separate program that is no way intended to function with the Web page that it is used to create.

In contrast, the control console recited in Applicants' invention is an integral part of the customizer embedded in the Web page (see page 9, line 28 to page 10, line 8), and allows a user to customize the Web page to his/her particular taste and store that version of the Web page for later viewing or editing by that particular user (page 5, lines 16-28), while leaving the original Web page in tact and available for other users to view and edit.

Lemay teaches about how to use the Microsoft® Frontpage™ 98 program. This program is used to create and edit Web pages. This program is a stand alone program and is not embedded in a Web page requested by a user.

In contrast, the customizer recited in Applicants' invention is a program that is embedded in the Web page requested by the user, and is selectively executable by the user to provide the user with a means to customize the Web page (see page 4, lines 17-30). The customizer recited in Applicants' invention is not a stand alone editor used to create Web pages. Further, after the user has customized the Web page and later accesses the original, uncustomized Web page, the

original Web page viewed by the user is dynamically restored with the customizing data (See page 5, lines 25-28).

Further, the passages cited by the Examiner on page 37 of Lemay refer to importing existing content into the separate, stand alone editor and editing it, rather than creating a new Web page. The entire edited Web page is then stored. The user must retrieve the edited Web page to view it. If the user accesses the source of the original content, the user will view the original content.

Lemay has nothing to do with enabling a particular user to request an original Web page, initiate a remote customization session (with a customizer embedded in the Web page) on a client thereby allowing the particular user to customize the original Web page to his/her particular taste, and save the customized Web page for later viewing (by that particular user) while leaving the original Web page available to be viewed and potentially customized by other particular users, wherein the customized Web page is dynamically restored with the customizing data when the original Web page is subsequently accessed by the user.

Because Lowery does not teach or suggest the subject matter recited in independent claim 1, and because Lemay does not teach or suggest the elements of claim 1 that Lowery is missing, Lemay is irrelevant.

The Examiner states that it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Lowery and Lemay because it would have allowed a user to enhance imported Web pages. The Examiner cannot base obviousness upon what a person skilled in the art could, or might, try but rather must consider what the prior art would have led a person skilled in the art to do. In re Antonie, 559 F.2d 618 195 USPQ 6 (CCPA, 1977). To prevent the use of hindsight based on the invention to defeat patentability of the

invention, the Examiner must show a motivation to combine the references that create the case of obviousness. In re Rouffet, 47 USPQ2d 1453 (Fed. Cir., July 15, 1998). The conclusion asserted by the Examiner represents an impermissible use of hindsight gained from the present invention.

In view of the foregoing, it is respectfully submitted that Lowery and Lemay, do not teach or suggest the subject matter recited in Applicants' independent claim 1 as each of these references fail to teach or suggest a system for enabling a user to customize a Web page by using at least one computer on which a browser for browsing a Web page runs. The system includes a means for enabling the user to request an original Web page to be customized, and a means for embedding a customizing program in the requested original Web page, the customizing program to be executed by the user. The system further includes a means for the user to receive the requested original Web page in which the program for customizing a page is embedded, a Web browser means for displaying the received original Web page to the user, a means for having the program display to the user a control panel for a customizing operation, and a means for customizing the original Web page according to a customizing operation by the user using the control panel while the original Web page is retained for other users. The system still further includes a means for storing data pertaining to the customizing operation executed by the user, wherein the Web page is dynamically restored with the customizing data when subsequently accessed by the user.

Independent claims 9 and 16 recite similar features as claim 1, and therefore are patentably distinct over Lowery whether alone or in combination with Lemay for at least the reasons discussed in connection with claim 1.

Claims 2, 4-8, 10, 12-15, and 17-20, which depend directly or indirectly from the independent claims 1, 9, and 16, incorporate all of the limitations of corresponding independent claim and are therefore patentably distinct over Lowery and Lemay for at least those reasons provided for claims 1, 9, and 16.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course.

Respectfully submitted,



Steven Fischman
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

SF/BMM/ej